

KEWEENAW BAY INDIAN COMMUNITY

2010 TRIBAL COUNCIL

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April 23, 2010

Susan Hedman
Administrator
EPA Region 5
77 West Jackson Boulevard
Mail Code: R-19J
Chicago, IL 60604-3507

via Email

Re: Request for Government-to-Government Consultations; Eagle Mine Project;
Marquette County, Michigan; EPA Permit Application No. MI -103-5W20-0002

Dear Ms. Hedman,

On behalf of the Keweenaw Bay Indian Community, I would like to congratulate you on your recent appointment as Administrator of Region 5 of the Environmental Protection Agency. The Community has great respect for Region 5 and appreciates the time, effort and funding that the Region 5 has expended in assisting our tribe in protecting the environment in the Upper Peninsula of Michigan and, in particular, on and around our L'Anse Reservation.

As part of our efforts to protect our environment, we have been actively working with Region 5, for the past several years, in connection with a sulfide copper/nickel mine that has been proposed by Kennecott Eagle Minerals Company, a wholly owned, subsidiary of Rio Tinto, which will be located in our ceded territory in the Yellow Dog Plains, Marquette County, Michigan.

Most recently we have notified the Acting Administrator, Region 5, of the Community's objection to Kennecott's withdrawal of its application for an Underground Injection Control permit for its Treated Water Infiltration System (TWIS), which will inject over 500,000 gallons of partially treated mine waste water into the local ground water. In that regard, please see our letter to Bharat Mahur, dated April 6, 2010. In addition, we and our attorneys have submitted numerous letters, documents and reports to the UIC Branch which discuss in extensive factual and legal detail the reasons why Region 5 should require a UIC permit for the TWIS.

Region 5's decision on whether or not to require Kennecott to obtain a UIC permit is very critical to the Community's efforts to protect, not only the ground water in the ceded territory,

LAKE SUPERIOR BAND OF CHIPPEWA INDIANS

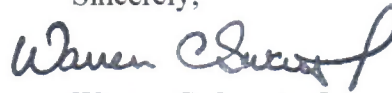
but also to prevent the destruction and desecration of our sacred place know as *migi zii wa sin* (Eagle Rock) which will occur as a consequence of the construction and operation of the proposed mine.

Keweenaw Bay Indian Community is a federally recognized Indian tribe and is entitled to government to government consultation with the federal government concerning decisions of federal agencies which would impact or affect the Indian tribe. Accordingly, I request government to government consultations with you regarding the requirement under federal law that Kennecott must obtain a UIC permit from Region 5 for the TWIS.

We would like to engage in consultation with you as soon as your schedule permits and before a final decision has been made by Region 5 on this issue. We would be delighted to host the consultation at our Tribal Center on the L'Anse Reservation, Michigan. This would also allow you to visit our sacred place *migi zii wa sin* at the proposed Kennecott mine site. Alternatively, I will be available to meet with you at your office in Chicago at your convenience.

Please have a member of your staff call me at 906-353-4103 to schedule a mutually convenient time and place for the consultation meeting.

Sincerely,

A handwritten signature in dark ink, appearing to read "Warren C. Swartz, Jr.", with a stylized flourish at the end.

Warren C. Swartz, Jr.

cc: Tinka Hyde, Director, Water Division
Rebecca Harvey, Chief, UIC Branch